SUMMARY OF PROPOSED COMMITTEE DRAFT:

Resolution 19-43

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE RENOVATION OF TWO EXISTING SINGLE-FAMILY DWELLING UNITS, CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING UNIT AND VARIOUS IMPROVEMENTS IN MAUNALUA.

THE PROPOSED CD1 makes the following amendments:

- A. Revises the resolution title and first WHEREAS clause to clarify the description of the Project.
- B. Adds February 14, 2019 as the date the DPP completed its report and transmitted its findings and recommendation of approval to the Council.
- C. Adds February 21, 2019 as the date the Council received the DPP's findings and recommendation by Departmental Communication 112 (2019).
- D. Conforms Condition A (relating to general conformity of the Project) and Condition E (relating to the Hawaiian hoary bat habitat) to the standard language used in SMA Use Permit resolutions.
- E. In Condition B.2, clarifies that the ILS is intended to expedite future reviews by the SHPD Architecture Branch, and assist in determining whether buildings on the Project site may qualify for dedication as a historic residential property for purposes of a real property tax exemption pursuant to ROH Section 8-10.22.
- F. In Condition C.1, clarifies that the lowest livable floor at the Harbor Villa residence must be above the base flood elevation, as determined on the submission date of the building permit application.
- G. In Condition C.2, clarifies that all walls, fences and gates within the required yards, particularly with respect to the Harbor Villa residence and Portlock residence, must not exceed six feet in height.
- H. In Condition G, adds that all outdoor light fixtures must be fully shielded with the light directed downward so that the light bulb is only visible from below the light fixture.
- Makes miscellaneous technical and nonsubstantive amendments.



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	PROPOSED

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO RENOVATE TWO EXISTING SINGLE-FAMILY DWELLING UNITS, CONSTRUCT A NEW SINGLE-FAMILY DWELLING UNIT, AND MAKE VARIOUS IMPROVEMENTS IN MAUNALUA.

WHEREAS, on October 31, 2018, the Department of Planning and Permitting ("DPP") accepted the application (DPP Reference Number 2018/SMA-58) from Evershine II L.P. ("Applicant") for a Special Management Area ("SMA") Use Permit to renovate two existing single-family dwellings ("Harbor Villa residence" and "Portlock residence"); construct a new single-family dwelling with an attached three-car garage ("Bay Villa residence"); construct ancillary structures, including but not limited to two swimming pools, wine storage, a detached multiple-car garage, a badminton court, a bowling alley, and two cabanas; and repair existing structures within the shoreline setback area on 5.40 acres of land zoned R-10 Residential District, located in Maunalua, East Oahu, and identified as Tax Map Keys 3-9-026: 044 through 048 (the "Project"); and

WHEREAS, on January 14, 2019, the DPP held a public hearing which was attended by representatives of the Applicant's agent and DPP staff members; no members of the public attended the hearing, and no written testimony was received; and

WHEREAS, on February 14, 2019, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies and guidelines, as established in Sections 25-3.1 and 25-3.2 of the Revised Ordinances of Honolulu ("ROH"), and Sections 205A-2 and 205A-26 of the Hawaii Revised Statues ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on February 21, 2019, by Departmental Communication 112 (2019), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMA Use Permit be issued to the Applicant for the Project, subject to the following conditions:

A. Development of the Project must be in general conformity with the Project as recommended by the DPP in the DPP's findings and recommendation referenced



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above, and as depicted in Exhibits B-1 through B-28, attached hereto and incorporated herein by this reference. Any change in the size or nature of the Project that has a significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and therefore permitted under this resolution, upon review and approval of the DPP Director.

- B. Prior to issuance of any building permit for the Project, the Applicant shall:
 - Complete an archaeological inventory survey ("AIS") for the Project site to identify and document any potential surface or subsurface historic properties, and to determine appropriate mitigation. The Department of Land and Natural Resources, State Historic Preservation Division ("SHPD") must be contacted prior to initiation of the AIS, and an AIS report must be submitted to the SHPD for review and acceptance pursuant to HRS Section 13-284; and
 - 2. Complete an intensive level survey ("ILS") to determine whether any of the buildings on the Project site are eligible for the Hawaii or National Registers of Historic Places. The ILS is intended to expedite future reviews by the SHPD Architecture Branch, and assist in determining whether buildings on the Project site may qualify for dedication as a historic residential property for purposes of a real property tax exemption pursuant to ROH Section 8-10.22.
- C. Building permit application plans must show the following:
 - The lowest livable floor at the Harbor Villa residence must be above the base flood elevation, as determined on the submission date of the building permit application; and
 - 2. All walls, fences and gates within the required yards, particularly with respect to the Harbor Villa residence and Portlock residence, must not exceed six feet in height.
- D. The Applicant shall conduct archeological monitoring during construction activities. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls) are encountered, the Applicant shall stop work and contact the SHPD immediately. Work in the immediate area must



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be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.

- E. To minimize impacts to the Hawaiian hoary bat's habitat, the Applicant shall take special care when trimming or clearing woody plants greater than 15 feet in height. Woody plants greater than 15 feet in height must not be disturbed, removed, or trimmed during the bat birthing and pup rearing season from June 1 through September 15.
- F. Under no circumstances may construction activity on the Project site hinder public access to the shoreline.
- G. Artificial light from exterior light fixtures, including, but not necessarily limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes, shall be prohibited, if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).

All outdoor light fixtures must be fully shielded with the light directed downward so that the light bulb is only visible from below the light fixture.

- H. Approval of this SMA Use Permit does not constitute compliance with the Land Use Ordinance ("LUO") or other governmental requirements, including but not limited to grading, grubbing, and building permit approvals. They are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable LUO and other governmental provisions and requirements.
- I. The Applicant shall obtain a development permit for the Project within two years after the effective date of this SMA Use Permit. Failure to obtain a development permit within this period shall render this SMA Use Permit null and void; provided that this period may be extended as follows: The DPP Director may extend this period if the Applicant demonstrates good cause, but the period must not be extended beyond one year from the initial deadline set by the City Council.

If the Applicant demonstrates good cause for an extension exceeding one year, the Director shall prepare and submit to the Council a report on the proposed extension, which report must include the Director's findings and recommendations thereon. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution. If the Council fails to take final

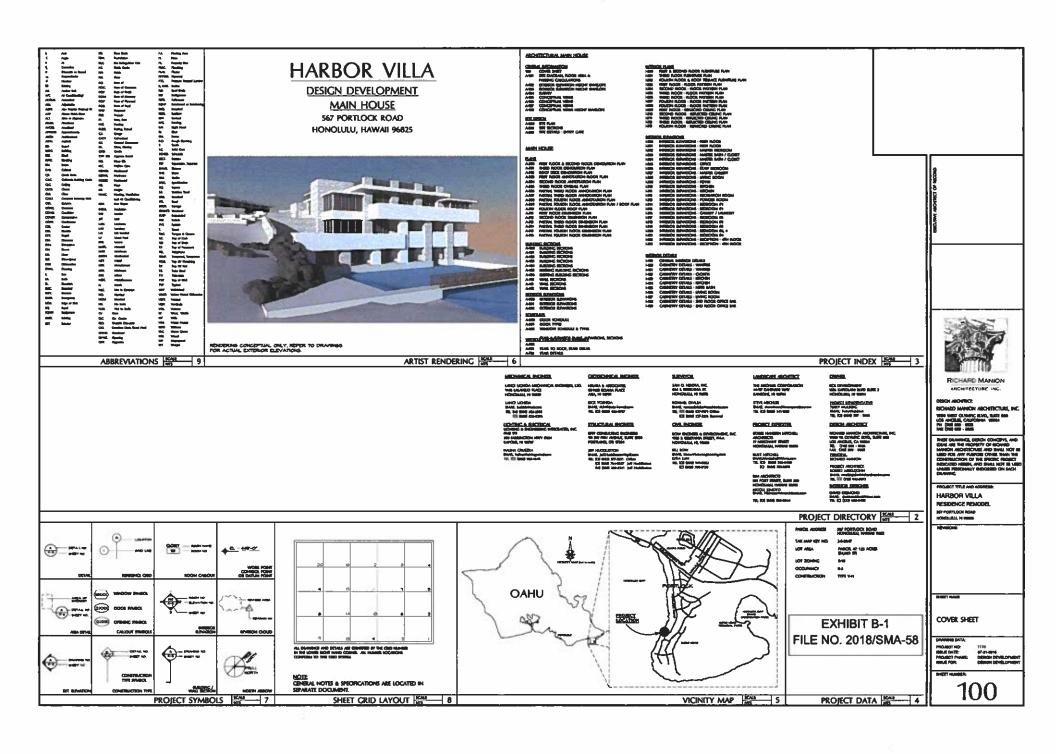


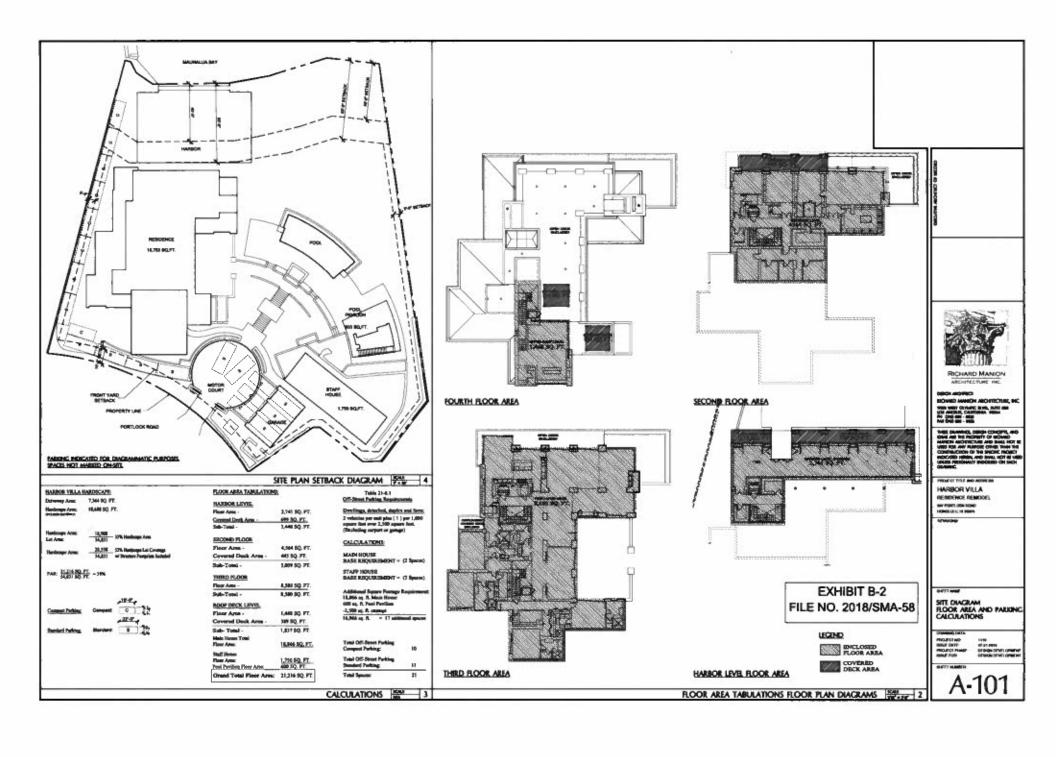
action on the proposed extension within the first to occur of: (1) 60 days after receipt of the Director's report; or (2) the Applicant's then-existing deadline for obtaining a building permit, the extension will be deemed to be denied; and

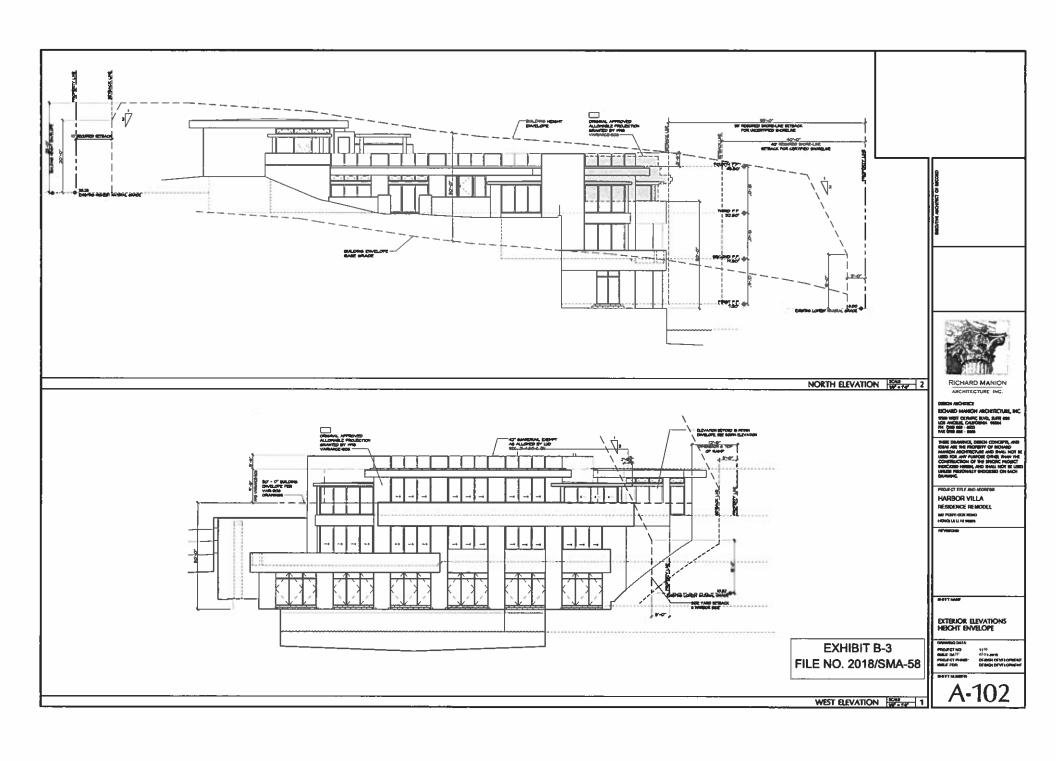
BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dennis Silva, Jr., Hawaii Planning, LLC, 1031 Nuuanu Avenue, Suite 2306, Honolulu, Hawaii 96817; Laura Brancato, SL Development, LLC, 6021 173rd Avenue SE, Bellevue, Washington 98006; Kathy K. Sokugawa, Acting Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Leo R. Asuncion, Jr., Director of the Office of Planning, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawaii 96804.

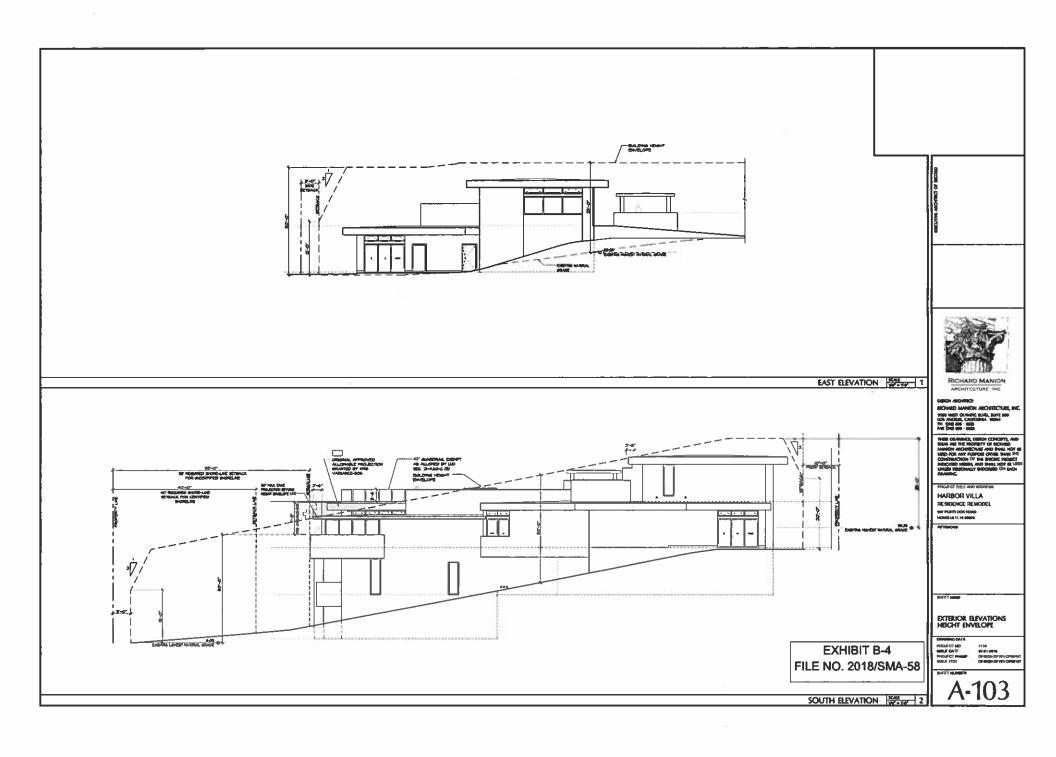
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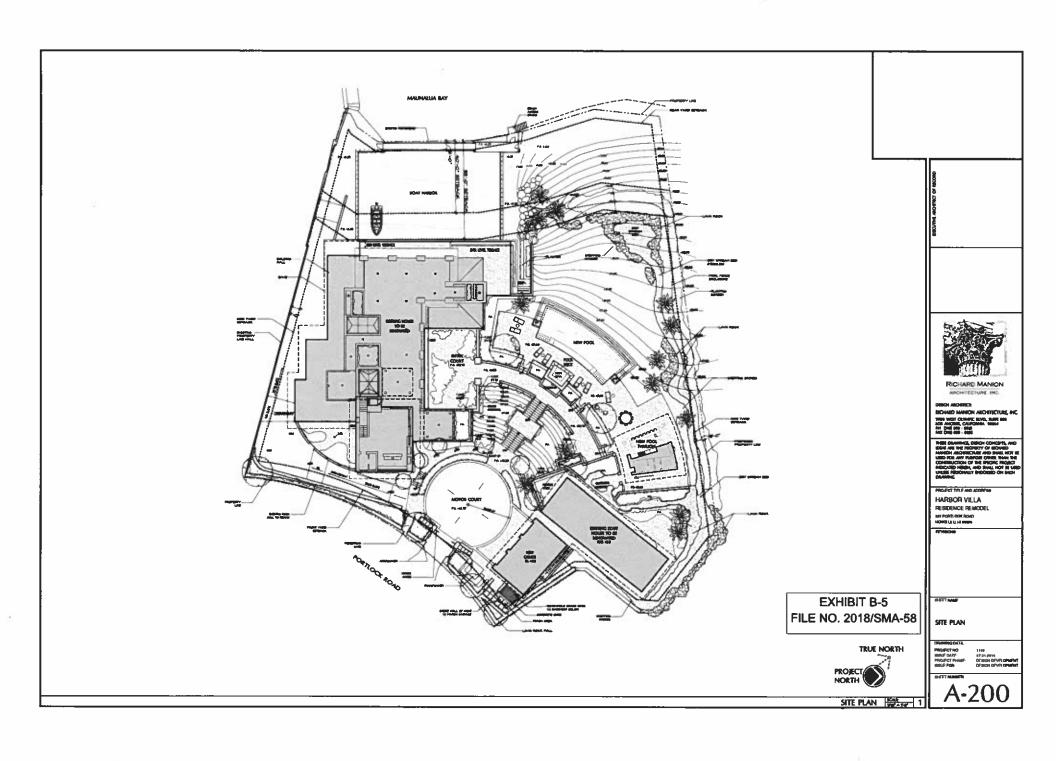
	HATRODOOLD DT.
	Ann Kobayashi (br)
DATE OF INTRODUCTION:	
DATE OF INTINODOGRAM	
Fobruary 24, 2040	
<u>February 21, 2019</u> Honolulu, Hawaii	Councilmembers

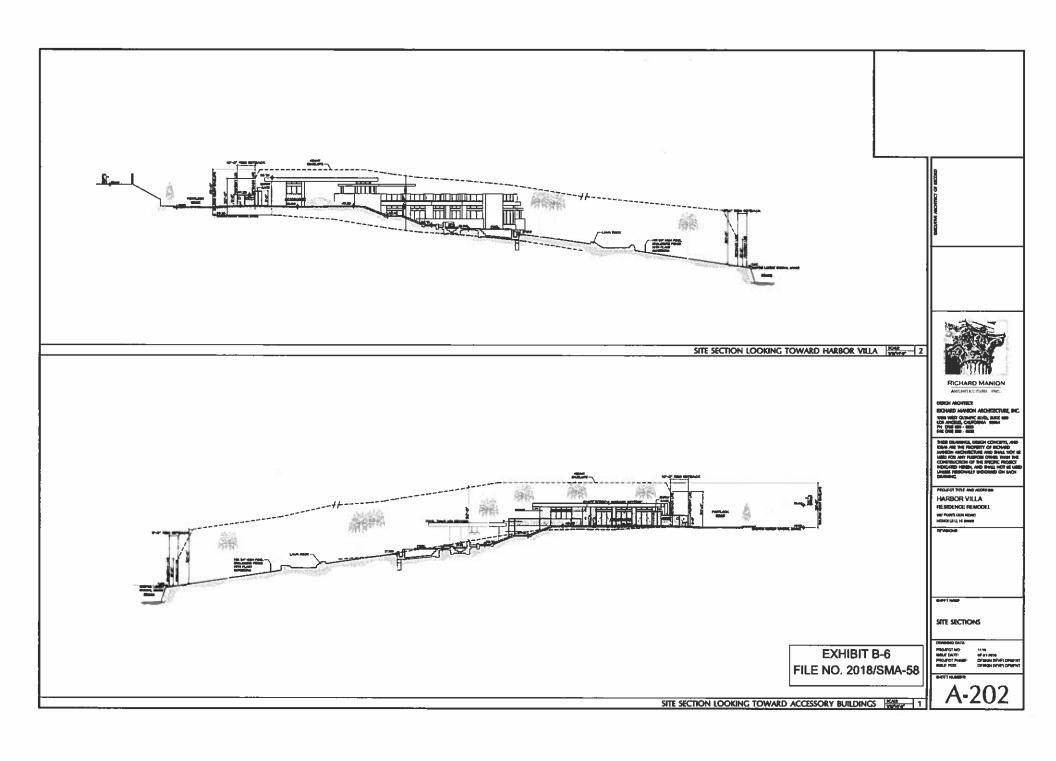


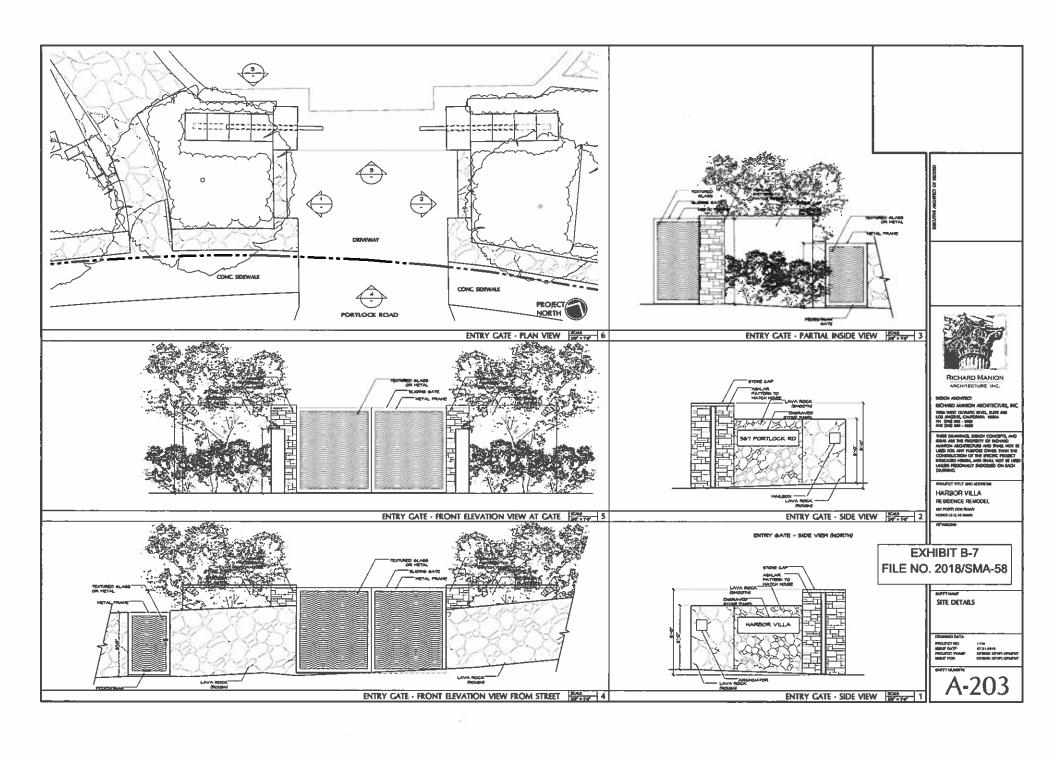


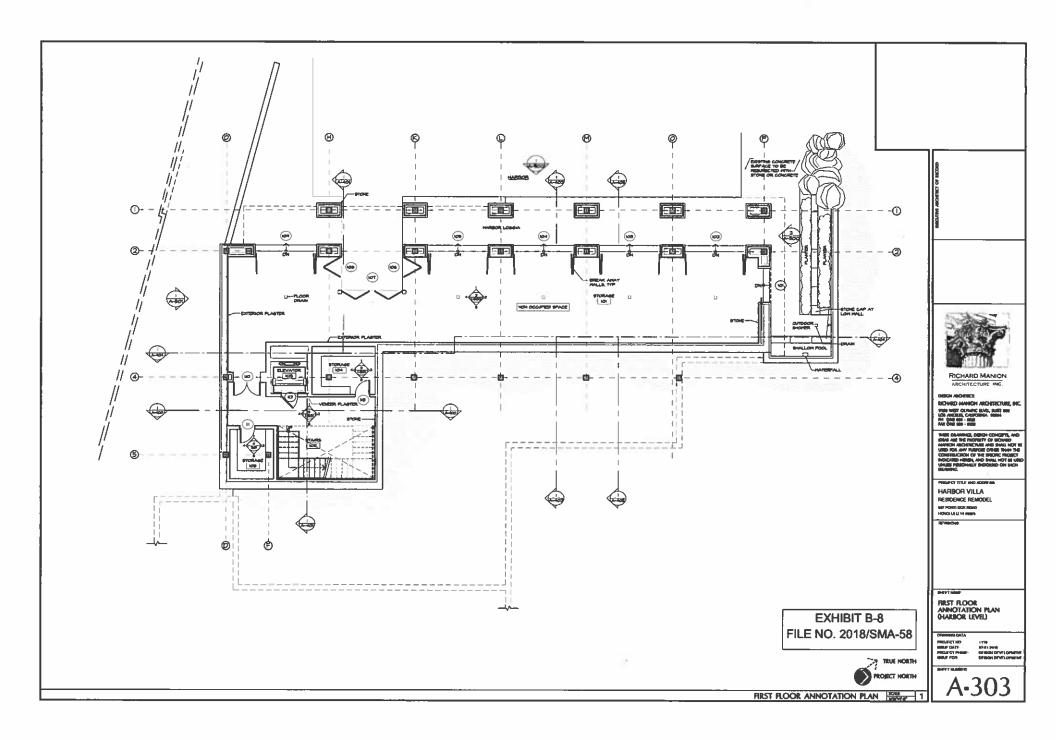


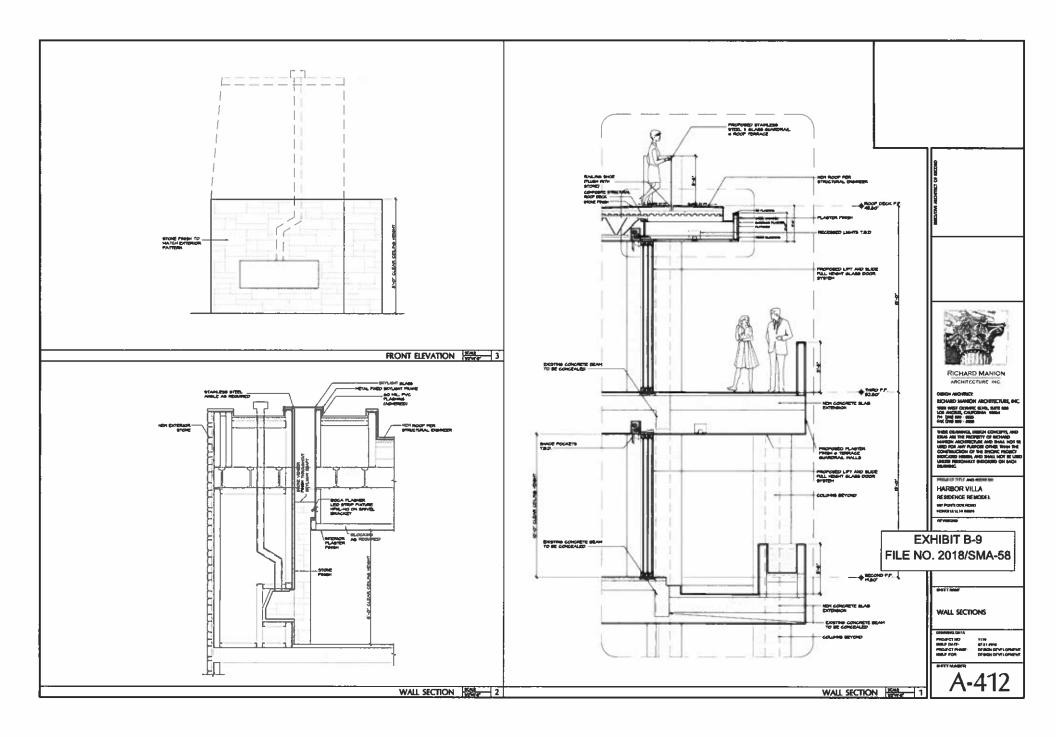


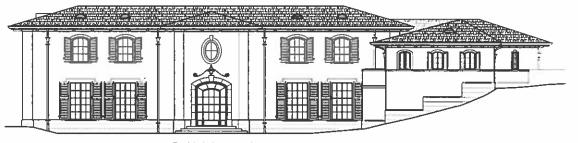








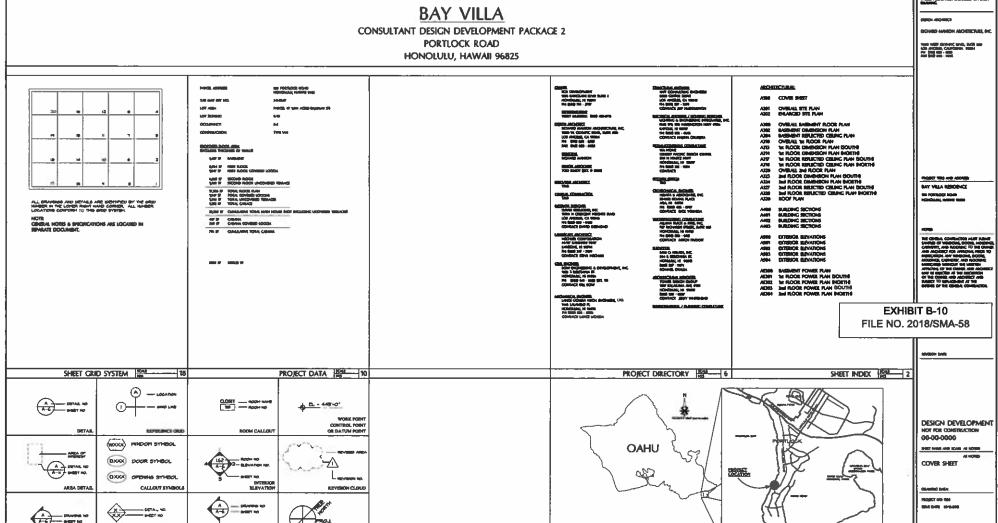




RICHARD MANION

A100

VICINITY MAP



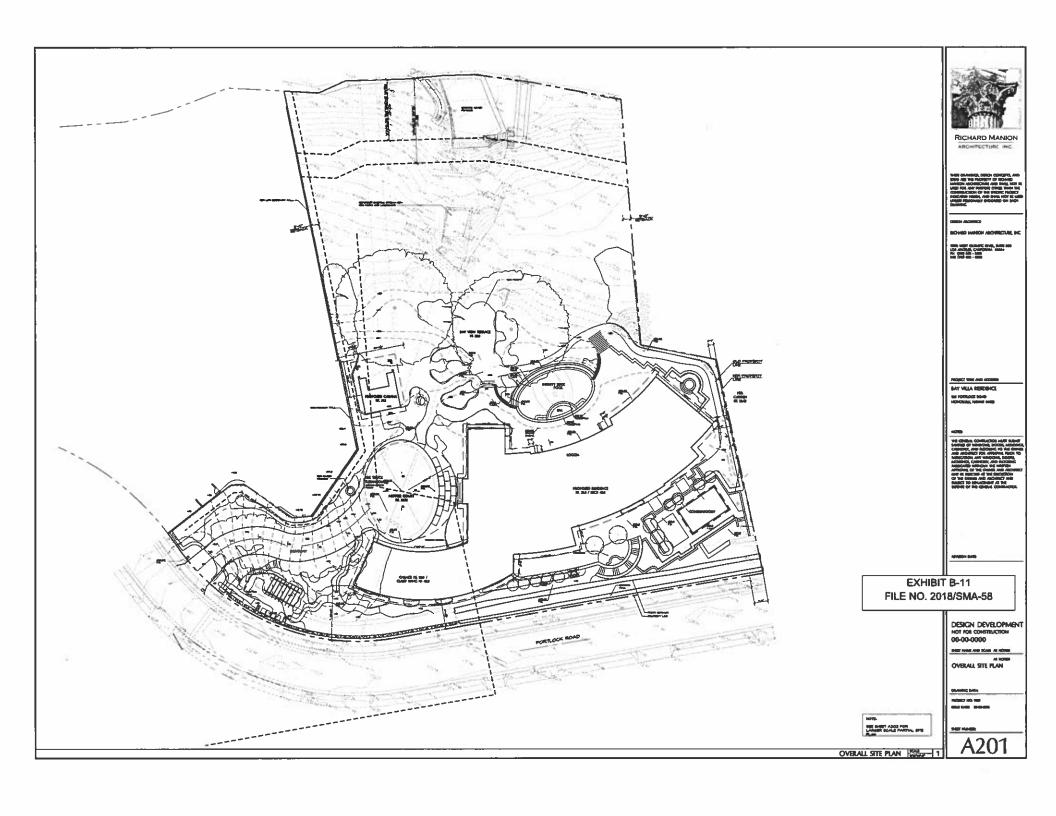
BUILDING / WALL SECTION

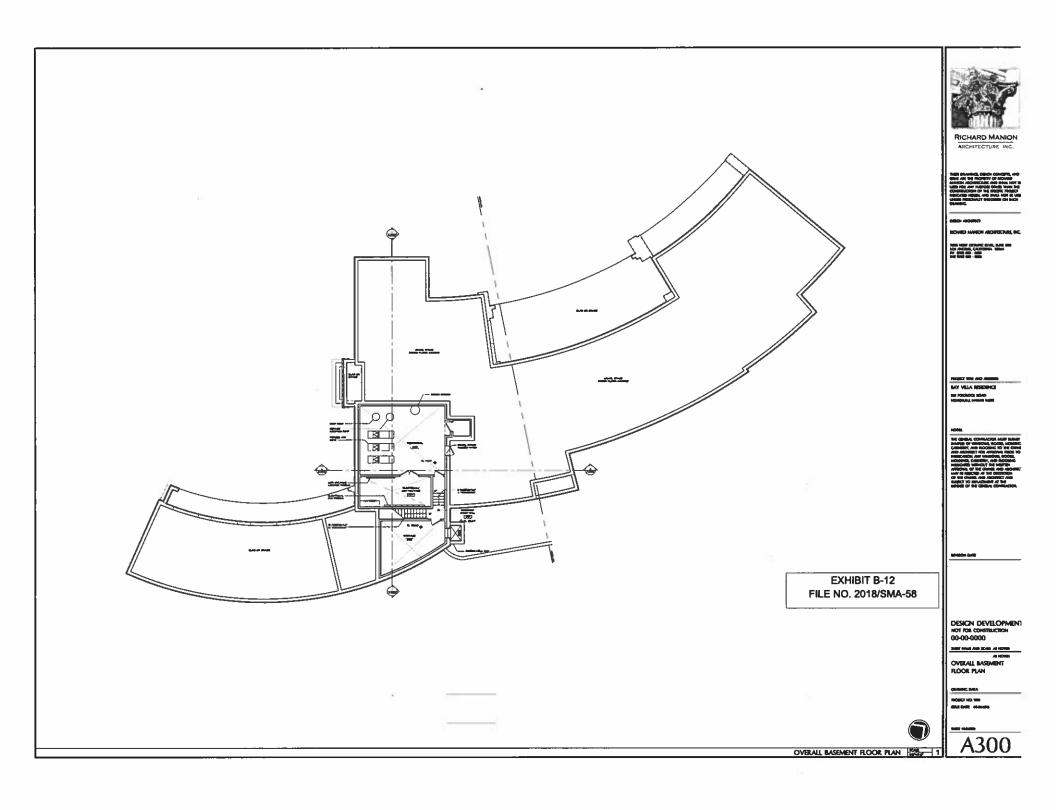
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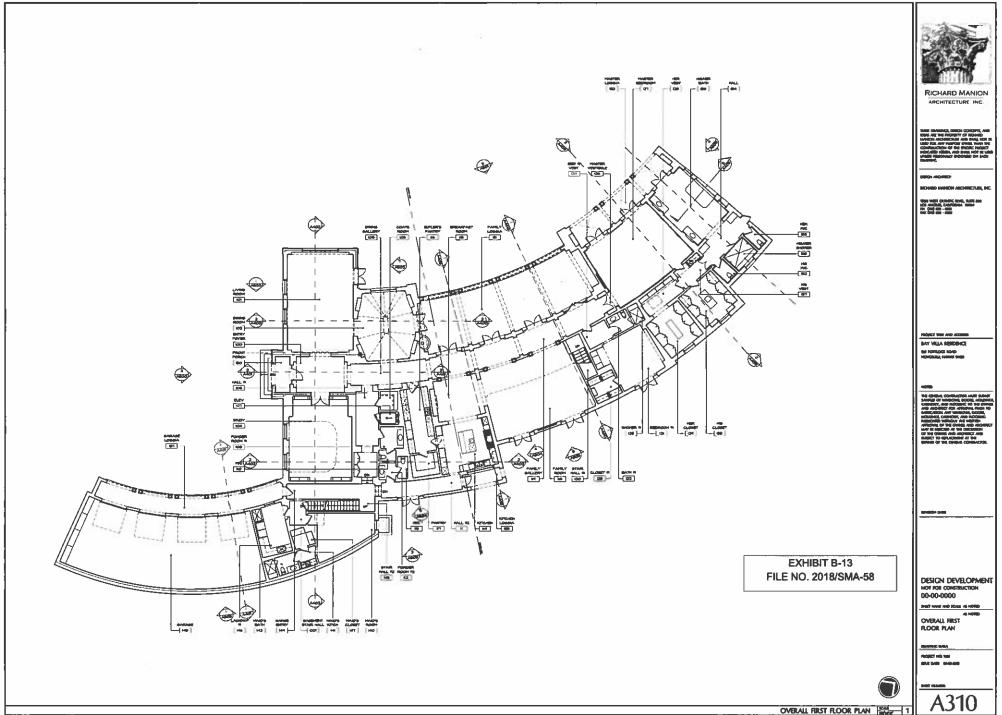
13

CONSTRUCTION TYPE

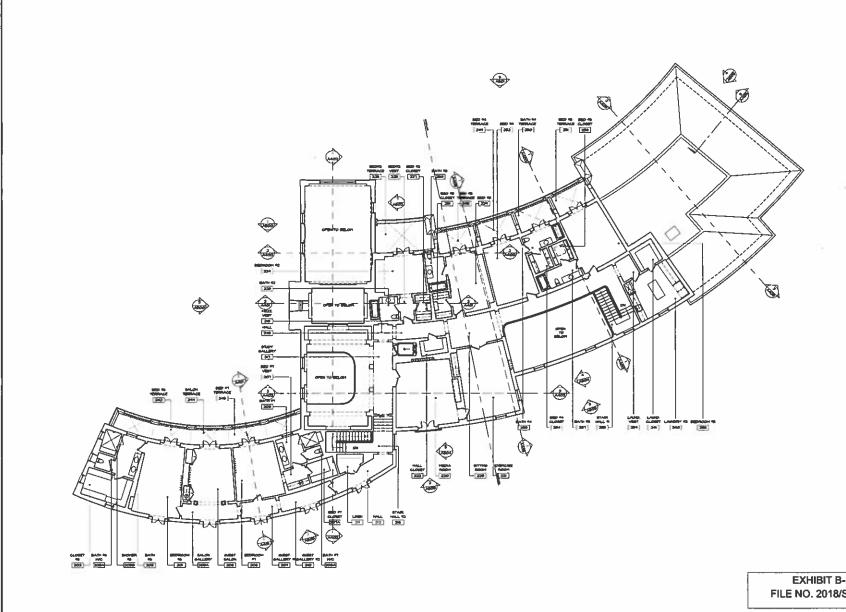
EXT. ILEVATION







A310



RICHARD MANION ARCHITECTURE INC

BAY VILLA BESIDINGE

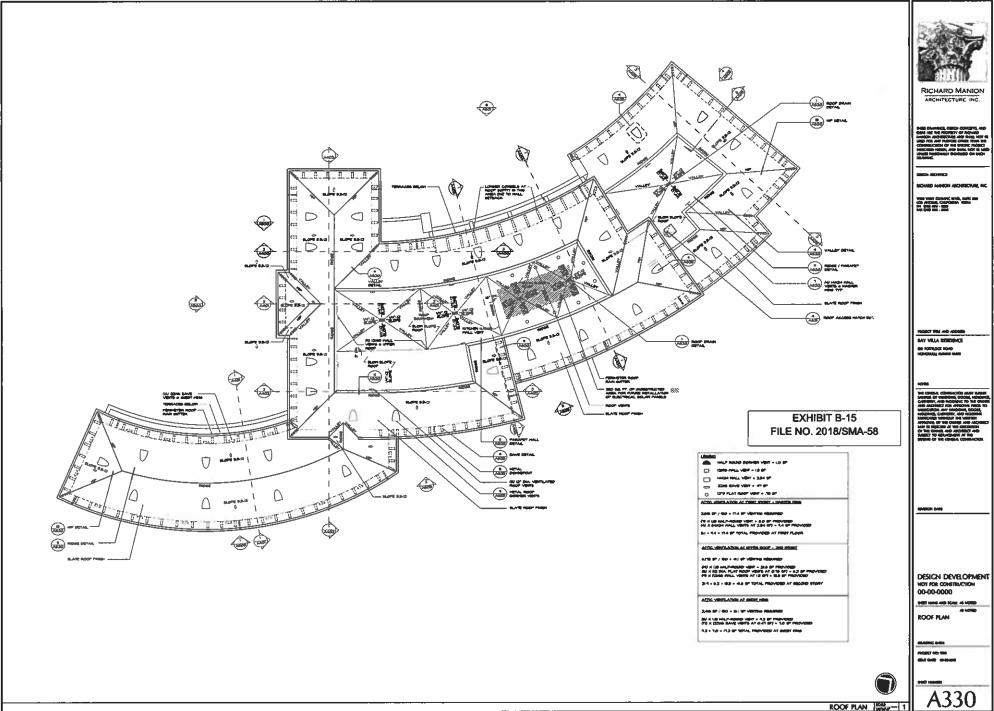
DESIGN DEVELOPMENT HOT FOR CONSTRUCTION 00-00-0000

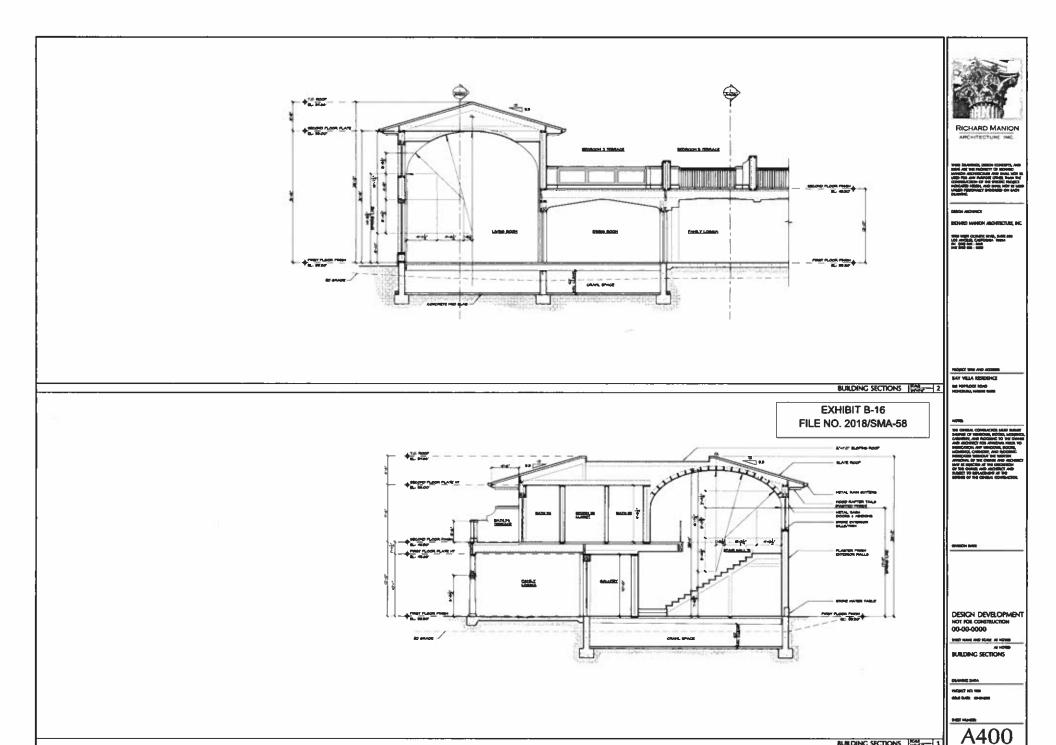
OVERALL SECOND ROOR PLAN

A320

EXHIBIT B-14 FILE NO. 2018/SMA-58







BUILDING SECTIONS SHEET 1

